

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

YUL ANDRE CHAPMAN, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 2:10CV11 DDN  
 )  
 CORRECTIONAL MEDICAL )  
 SERVICES, et al. )  
 )  
 Defendants. )

## **MEMORANDUM AND ORDER**

Before the Court is plaintiff's motion for extension of time to file an appeal of this action. The Court will deny petitioner's motion.

The Court dismissed plaintiff's case pursuant to 28 U.S.C. § 1915(e) on March 12, 2010. Plaintiff's notice of appeal was signed and placed in the mail system at the Johnson County Adult Detention Center April 25, 2010.

Rule 4(a) of the Federal Rules of Appellate Procedure provides that in a civil case, the notice of appeal must be filed with the district court within thirty (30) days after the judgment or order appealed from is entered. Thus, pursuant to Rule 4(a), plaintiff had until April 12, 2010 to file a timely notice of appeal. Plaintiff's notice of appeal, filed thirteen (13) days later, was therefore untimely. Plaintiff did,

however, file the instant motion to extend the time to file his appeal on May 24, 2010.

Under Rule 4(a)(5)(A), this Court may extend the time for filing a notice of appeal if the “party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires” and if the “party shows excusable neglect or good cause.” In order for this Court to grant the extension, plaintiff would have had to file his motion for extension of time to appeal by May 12, 2010. Plaintiff’s failure to do so requires this Court to deny his request for extension.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for extension of time to file his notice of appeal [Doc. #18] is **DENIED**.

Dated this 23rd day of July, 2010.

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE